

MEETING MINUTES CITY OF MILPITAS

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, March 7, 2017
Time: 6:00 PM Closed Session / 7:00 PM Open
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER Mayor Tran called the meeting to order at 6:00 PM. City Clerk Mary Lavelle called the roll.

PRESENT: Mayor Tran, Vice Mayor Grilli, Councilmembers Nuñez and Phan

ABSENT: Councilmember Barbadillo was absent at roll call. He arrived for Closed Session.

CLOSED SESSION City Council convened in Closed Session to discuss labor negotiations regarding the Milpitas Police Officers Association.

City Council then convened in Open Session at 7:05 PM.

ANNOUNCEMENT No announcement out of closed session.

PLEDGE One member of Boy Scouts Troop No. 92 led the pledge of allegiance.

INVOCATION Councilmember Barbadillo offered a prayer to start the meeting.

SCHEDULE OF MEETINGS Council Calendar/Schedule of Meetings for March 2017

Vice Mayor Grilli said the Treatment Plant Advisory Committee meeting scheduled on Thursday, March 9, 2017 was canceled.

PRESENTATIONS Mayor Tran presented the following:

- Commendation to Art Teacher Irene Hetschke, Milpitas Artist of the Year for 2017, as recommended by the Milpitas Arts Commission.
- Proclaimed "Science Fair Week" for March 20-24, 2017, accepted by Forrest Williams
- Proclaimed March 2017 as American Red Cross Month, accepted by local employee of the Red Cross Kata Saladay
- Proclaimed March 2017 as Arts Education Month, which was presented to members of the Milpitas Arts Commission

PUBLIC FORUM Jerry Phan, Medicaid Mobil, managed delivery and state and city compliance for marijuana dispensaries. Drivers were now delivering around their products. He suggested a monitor for state and revenue compliance. Revenue leakage existed in Milpitas. He quoted \$1 million revenue per year could come in to Milpitas for medical marijuana and other products.

Steve Seddell, Milpitas resident, spoke of the challenge, upon moving to Milpitas, was looking to the future and bringing meaningful jobs to the City. Facilities in the City did not look like they were for bringing robotics, software and other modern industry. Allow property owners to tear down old structures and design for industry of the future. He did appreciate Council allowing for free speech within the City and it was a breath of fresh air.

Robert Marini, Milpitas resident, asked what the city was doing to promote more involvement in the City. He was unhappy that no discussion was held on the nepotism policy, thus not becoming more transparent. He spoke of a ballot measure initiative submitted by voter petition.

Joseph Weinstein, Milpitas resident, spoke on the Citizen Task Force on Water Rates, which met on select Tuesdays at 6:30 PM in City Hall Committee Room (first floor) where the public was always invited. A consultant would be present at the next meeting to explain current rates (on Tuesday, March 28).

Dan Nguyen, Milpitas resident, spoke on the passage of Proposition 64 to legalize use of marijuana. He was a cannabis advocate and did not want the City to miss out on opportunities and to avoid revenue leakage.

Dr. Calvin Gill spoke to the Council about his new computer application known as “Courtesy” to lock a person’s cell phone at specific sites. It was designed to help keep drivers and others safe. It was free, so search for Courtesy at the app store for mobile phones. He wanted a meeting with City officials to show a demo of his product.

ANNOUNCEMENTS

City Manager Tom Williams displayed a new brochure from Economic Development staff, which would be on display this week at ICSC conference in Monterey

At Planning Commission, a Sunnyhills project scheduled on the agenda for the following evening was to be removed from that agenda and would come to the City Council directly for a study session in the future.

From priorities discussed at the last Council meeting, the City Manager announced Monday, March 13 at 6:30 PM at the Cracolice facility at Bob McGuire Park was scheduled to meet with neighbors about parking issues. Staff would also schedule similar meeting in The Pines area.

Housing implementation and policy plan would be on the the next City Council agenda for City Council’s consideration on many appropriate issues.

Councilmember Nuñez asked the City Attorney if Councilmembers could attend the meeting on Monday. City Attorney Chris Diaz said he would get back to Council with his reply. Mr. Nuñez asked when the Sunnyhills project would come to City Council. The City Manager replied later in the spring. Regarding Community Development Block Grant funds, he wanted to make sure those would not go forward until housing issues would be addressed in their entirety. Planning Director Brad Misner reported those grants were scheduled for a Council agenda in May.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

Motion: to approve the meeting agenda, as prepared

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as submitted

Motion/Second: Vice Mayor Grilli/Councilmember Nuñez

Motion carried by a vote of: AYES: 5
NOES: 0

Vice Mayor Grilli noted there was property damage and the park was unusable for the community, due to parking problems. City staff told the nearby apartments they couldn't charge fee for extra spaces.

Mr. Nuñez asked the Police Chief if the Police could enforce the new ordinance. Chief Pangelinan replied, yes, with the signs in place. The Councilmember felt it did resolve where they were going to park, if restricted by the sign.

City Manager Williams said the Planning Director was going to take a look at the parking ordinance, with regard to Transit Area development. The number of cars per household was higher than anticipated.

Mayor Tran noted the park was next to the Amalfi community. He asked about apartments renting out extra parking spaces. Mr. Misner had done outreach to the apartments' manager about a need to enforce parking available to every unit for residents and excess spaces could not be rented out. More enforcement by police would have to be supported.

Councilmember Barbadillo stated he was not going to vote for the ordinance, as it was impulse driven.

Councilmember Nuñez wanted to hear public input, as the City Attorney suggested.

Vice Mayor Grilli referred to a scheduled community meeting scheduled next week.

Next, the Mayor invited speakers from the audience.

Mr. Sun Kim, resident, said people began parking in the park because when they came home from work there was nowhere else to park. He strongly wanted the City Council to approve the ordinance and continue to seek other solutions for issues in the neighborhood.

Robert Marini, resident, felt it was a mandate to deal with a specific problem in a specific neighborhood. He spoke of the Dixon Landing area, where more buildings were going in so the next complaints would come from that neighborhood.

Steve Seddell, resident, referred to a friend who bought property nearby. Parking in that area was a total nightmare. He was in favor of allowing parking overnight in the adjacent streets.

Mr. Kumar, neighbor in the park area, described his daily routine and problem of finding space to park.

Tom Valore, resident, said with high density coming in to Milpitas, it was creating a nightmare, regarding parking problem.

Michael Tsai, resident, started YIMBY, was sympathetic to residents' concerns about parking. More housing should go hand in hand with more transportation.

Councilmember Nuñez felt this proposal was a band-aid. Waiting until BART was finished would allow very few options. This would allow people to have 2, 3, or 4 cars with the plan. No immediate solution was available now, so meet with the community to come up with a plan to alleviate the issue. He did not want to make this change, one community at a time.

Councilmember Barbadillo agreed with the speakers. There was need to look at the bigger problem. Re-visit policies in the Transit Area Specific Plan and stop issuing CUPs. The Plan's goal to encourage public transit was not reality.

Mayor Tran supported the ordinance. He wanted residents to be safe, especially late at night.

City Attorney Diaz spoke about the proposed ordinance. He noticed that there were likely not four votes in favor, as required for an urgency ordinance. The City Council could choose to simply table it. Councilmembers, however, wanted to vote on the matter.

The City Attorney pointed out one error in the text of the ordinance where “anytime” should read 6 AM to 9 PM. Then he read aloud the title of the proposed ordinance.

Motion: to waive the reading beyond the title and adopt Urgency Ordinance No. 43.212

Motion/Second: Mayor Tran/Vice Mayor Grilli

Motion failed by a vote of: AYES: 2 (Tran, Grilli)
NOES: 3

REPORTS

Councilmember Phan said there was a productive subcommittee meeting held on cannabis. The next meeting would be a site visit to a few facilities. Many people attended and he encouraged the public to continue to bring their comments.

Councilmember Barbadillo spoke of a recommendation from the Parks, Recreation and Cultural Resources Commission of the prioritization of park projects and to develop good communications.

Councilmember Nuñez recently attended the Senior Advisory Commission and the Board of Directors of the Terrace Gardens. He gave an update from both. At the senior center, there was much interest in the revised Valley Transportation Authority bus routes and changes.

Vice Mayor Grilli attended the Bicycle Pedestrian Advisory Commission last week, where they heard a presentation from a man with a bike share company which Commissioners were interested in. She noted that Thursday, May 11 this year was Bike to Work Day.

ADJOURNMENT

Mayor Tran adjourned the City Council meeting at 9:07 PM.

The foregoing minutes were approved by Milpitas City Council on March 21, 2017.

Mary Lavelle
Milpitas City Clerk